

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

JEANETTA B. PIRTLE, et al.  
Plaintiffs

v.

MUNICIPALITY OF ISABELA, et al.  
Defendants

CIVIL NO.: 18-1200 (JAG-BJM)


PLAINTIFFS DEMAND  
TRIAL BY JURY

**ANSWER TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: PLAINTIFFS  
THROUGH THEIR ATTORNEY DAVID FERNÁNDEZ-ESTEVEZ

FROM : THE MUNICIPALITY OF ISABELA  
THROUGH ITS ATTORNEY, MARÍA EUGENIA CALDERÓN MARTÍNEZ

I, Bethzaida Hernandez Mercado, under penalty of perjury state the following answers to the interrogatories submitted by plaintiffs:

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1. Bethzaida Hernandez Mercado. I answer these interrogatories as the Municipality's Director of the Office of Finance and Budget Office. Regarding my address, all contact should be made through our attorney. The rest of the interrogatory is objected, as it is irrelevant to the allegations of the captioned complaint.
  2. The Municipality of Isabela objects to this interrogatory, as it is irrelevant to the allegations of the captioned complaint. Without waiving this objection, we inform that the undersigned has a BBA in Accounting Mayor with a Minor in Management.
  3. I began working at the Municipality of Isabela in 1991 as an Auxiliary Accountant. Later on I worked for 6 years in the Municipality Commissioners Office. I am currently in the position of Director of Municipality's Finance and Budget Office, working under the Municipality's Administrator, CPA Marisol Rosa Acevedo.
  4. Please refer to the answer to interrogatory number 3.
  5. Please refer to the answer to interrogatory number 3.
  6. The Municipality of Isabela objects to this interrogatory, as it is overbroad, vague and requests potentially privileged information. Should plaintiffs narrow down their request, clarifying exactly what they seek, the Municipality of Isabela will provide any and all information not protected by privilege.

7. The Municipality of Isabela objects to this interrogatory as unintelligible. For clarification, and without waiving any defenses, no employee of the Municipality of Isabela witnessed the alleged accident.
8. Please refer to the answer to the previous interrogatory.
9. The Municipality of Isabela objects to this interrogatory, as it is overbroad, vague, and requests potentially privileged information. Should plaintiffs narrow down their request, clarifying exactly what they seek, the Municipality of Isabela will provide any and all information not protected by privilege. We reserve the right to amend the information provided as discovery progresses.
10. We have not yet determined the documentary evidence we will use at trial, as discovery is still in progress.
11. We have not yet determined the witnesses we will use at trial, as discovery is still in progress.
12. The Municipality of Isabela objects to this interrogatory, as it is overbroad, vague, and requests potentially privileged information. Should plaintiffs narrow down their request, clarifying exactly what they seek, the Municipality of Isabela will provide any and all information not protected by privilege. We reserve the right to amend the information provided as discovery progresses. Without waiving these objections, upon receipt of a notification to the Municipality dated July 14<sup>th</sup>, 2017 and signed by attorney David Fernández Esteves, Mr. Yariel Morales inspected the area of the reported fall to determine ownership of the specific site. Mr. Morales issued a report dated August 3<sup>rd</sup>, 2017 certifying that the reported accident area does not belong to the Municipality of Isabela.
13. Please refer to the answer to the previous interrogatory and to the enclosed report.
14. None of which we're aware other than those taken by Mr. Morales and enclosed herein.
15. Please see the previous answer to interrogatory.
16. None of which we're aware.
17. Please see the previous answer to interrogatory.
18. None of which we're aware.
19. Please see the previous answer to interrogatory.
20. We have announced Dr. José López Reymundí as our expert witness. His personal information is included in his *curriculum vitae*, which was already provided on January 14<sup>th</sup>, 2020. The rest of the information requested in this interrogatory will be included in his expert report, to be furnished on or before February 24<sup>th</sup>, 2020, as per the Court's approved Scheduling Order.
21. The Municipality of Isabela objects to this interrogatory, as it requests an opinion on legal terms and matters. We reserve the right to amend this answer as discovery progresses.



22. Please see attached. As the enclosed documents illustrate, the Municipality of Isabela avers that the access to the beach in which plaintiff Pirtle allegedly fell does not belong to the Municipality. Rather the access, as well as the beaches, belong to the Government of Puerto Rico, specifically to the Department of Natural and Environmental Resources (DRNA by its initials in Spanish).

23. The Municipality of Isabela objects this interrogatory as irrelevant to the specific allegations of the captioned complaint. Without waiving this objection, please refer to the attached policy.

24. The Municipality of Isabela objects to this interrogatory, as it is overbroad, vague, and requests potentially privileged information. Without waiving these objections, we inform that the area in which plaintiff Pirtle allegedly fell is not under the Municipality's care, custody, or control. Therefore, any work or maintenance in that specific area is not the Municipality's responsibility.

25. The Municipality of Isabela cannot provide the specific information as to the entity responsible for maintaining the access corridor in which plaintiff Pirtle allegedly fell. However, the Municipality of Isabela states that such access corridor is not property of the Municipality, nor is it under its custody, care or control. Please see the attached documents.

Subscribed under penalty of perjury by Bethzaida Hernandez Mercado.

In Isabela, Puerto Rico, this 21<sup>st</sup> day of February, 2020.

  
Bethzaida Hernandez Mercado

WE HEREBY CERTIFY that, on this date, a true and exact copy of the Municipality of Isabela's answers to Plaintiffs' First Set of Interrogatories and Request for Production of Documents was sent to plaintiffs through their legal counsel David Fernández-Esteves, davidfernandez@lobajr.com.

In San Juan, Puerto Rico this 20<sup>th</sup> day of February, 2020.

s/ María Eugenia Calderón Martínez  
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